

Harry B. Wilson, OSB #077214

HarryWilson@MarkowitzHerbold.com
MARKOWITZ HERBOLD PC
1455 SW Broadway, Suite 1900
Portland, OR 97201
Tel: (503) 295-3085

Roberta A. Kaplan, admitted pro hac vice

rkaplan@kaplanhecker.com
KAPLAN HECKER & FINK LLP
350 Fifth Avenue, Suite 7110
New York, NY 10118
Tele: (212) 763-0883

Of Attorneys for Dr. Esther Choo

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

A.B.,

Case No. 3:21-cv-00311-HZ

Plaintiff,

v.

**STIPULATED PROTECTIVE
ORDER REGARDING THIRD-
PARTY DR. ESTHER CHOO**

**DR. JASON CAMPBELL and OREGON
HEALTH & SCIENCE UNIVERSITY,**

Defendants.

WHEREAS, Dr. Esther Choo (“Dr. Choo”) is a third party to this action;

WHEREAS on March 20, 2021, Plaintiff served a Subpoena to Testify at a Deposition in a Civil Action on Dr. Choo (the “Subpoena”) and included a “List of Documents” that Dr. Choo was instructed to bring with her to that Deposition;

WHEREAS on March 24, 2021, the Court entered a Protective Order in this action, ECF 27 (“Protective Order”), stating, among other things, that “third parties subpoenaed by one of the parties,” like Dr. Choo, “may designate as ‘Confidential’ documents, testimony written

responses, or other materials produced in this case if they contain information that the producing party has a good faith basis for asserting is confidential under the applicable legal standards.”

Protective Order ¶ 3;

WHEREAS on April 5, 2021, Dr. Choo served her Responses and Objections to the e Subpoena (“Responses”) designating the cover letter and the Responses Confidential pursuant to Paragraph 3 of the Protective Order;

WHEREAS, on April 14, 2021, Dr. Choo’s counsel and Plaintiff’s counsel met and conferred regarding the confidentiality designation on Dr. Choo’s Responses;

WHEREAS, on April 14, 2021, Dr. Choo filed a Motion for a Protective Order seeking to maintain the Confidentiality designation for the above-described documents, and any additional discovery negotiations, discussions, and communications pursuant to Paragraph 3 of the Protective Order;

WHEREAS, on April 14, 2021, Plaintiff filed a Response to Dr. Choo’s Motion for a Protective Order stating “the Court should grant [Dr. Choo’s Motion] to protect Dr. Choo’s privacy rights as a non-party witness in this case”;

WHEREAS, on April 19, 2021, the Court granted Dr. Choo’s Motion for a Protective Order, which was unopposed, and ordered that Plaintiff and Dr. Choo confer and submit a proposed protective order to the Court no later than April 22, 2021,

Accordingly, the following ORDER is hereby STIPULATED AND AGREED by and among the undersigned attorneys for the parties:

1. Dr. Choo’s Responses and the cover letter have properly been designated Confidential pursuant to Paragraph 3 of the Protective Order;
2. All provisions of the Protective Order that govern Confidential documents will apply to the exchange of information and documents between Plaintiff and Dr. Choo, including but not limited to any documents produced, testimony, as well as discovery negotiations, discussions, and communications.
3. Pursuant to the Protective Order, Dr. Choo’s counsel and Plaintiff A.B.’s counsel will not share any conversations or documents that have been designated Confidential pursuant

to Paragraph 1 above on any social media platforms, including Twitter, Facebook, Instagram, or other outlets.

DATED this 20th of April, 2021

MARKOWITZ HERBOLD PC

By: s/ Harry B. Wilson
Harry B. Wilson, OSB #077214
harrywilson@markowitzherbold.com
Attorney for Esther Choo

KAPLAN HECKER & FINK LLP

By: s/ Roberta A. Kaplan
Roberta A. Kaplan, *admitted*
pro hac vice
rkaplan@kaplanhecker.com
Attorney for Esther Choo

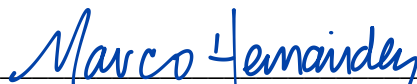
OLSENDAINES

By: s/ Michael Fuller
Michael Fuller, OSB No. 09357
michael@underdoglawyer.com
Attorney for Plaintiff

The Court has reviewed the reasons offered in support of entry of this Stipulated Protective Order regarding Dr. Esther Choo and finds that there is good cause to protect the confidential nature of certain information. Accordingly, the Court adopts the above Stipulated Protective Order regarding Dr. Esther Choo in this action.

IT IS SO ORDERED.

DATED: April 21, 2021



Hon. Marco A. Hernández
United States District Court Judge

1134173

ECF CERTIFICATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to this document.

DATED this 20th day of April, 2021.

By: s/ Harry B. Wilson
Harry B. Wilson, OSB #077214